

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOICEAGE EVS LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-1945 (CFC)
)	
HMD GLOBAL OY,)	
)	
Defendant.)	
_____)	
VOICEAGE EVS LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-810 (CFC)
)	
LENOVO HOLDING COMPANY, INC.,)	
LENOVO (UNITED STATES) INC.,)	
MOTOROLA MOBILITY HOLDINGS,)	
LLC and MOTOROLA MOBILITY LLC,)	
)	
Defendants.)	
_____)	
VOICEAGE EVS LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-1061 (CFC)
)	
APPLE INC.,)	
)	
Defendant.)	
_____)	

STIPULATION AND ORDER

WHEREAS, the Court recently ordered jurisdictional discovery to take place in the litigation entitled *VoiceAge EVS LLC v. HMD Global Oy*, C.A. No. 19-1945-CFC (the “*HMD litigation*”) in the Court’s Order of January 22, 2021;

WHEREAS, the Defendants in the *VoiceAge EVS LLC v. Lenovo Holdings Company, Inc., et al.*, C.A. No. 20-810-CFC (the “*Lenovo* litigation”) and *VoiceAge EVS LLC v. Apple Inc.*, No. 20-1061-CFC (the “*Apple* litigation”) litigations wish to participate in the jurisdictional discovery in the *HMD* litigation;

WHEREAS, the parties have conferred and agree that, in the interests of efficiency, the Defendants in the *Lenovo* and *Apple* litigations can participate jointly in the jurisdictional discovery in the *HMD* litigation;

WHEREAS, the parties agree that by participating in the jurisdictional discovery in the *HMD* litigation, Apple and Lenovo do not waive any arguments, claims, counterclaims, or defenses they have or may have in the *Apple* litigation or the *Lenovo* litigation, and VoiceAge EVS does not waive any arguments, claims, or defenses it has or may have in the *Apple* litigation or the *Lenovo* litigation;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that: (1) the Defendants in the *Lenovo* and *Apple* litigations shall be permitted to participate in the jurisdictional discovery that takes place in the *HMD* litigation; (2) the Defendants in the *Lenovo* and *Apple* litigations shall coordinate with defendant in the *HMD* litigation, HMD Global Oy, to jointly serve any interrogatories, document requests, or third party discovery; (3) with respect to interrogatories, Defendants in the *HMD*, *Lenovo*, and *Apple* litigations (hereinafter, the “Collective Defendants,”) shall jointly serve any interrogatories and are limited to a total of ten (10) interrogatories, which shall be limited in scope to inquiries into rights to the patents; (4) if and only to the extent depositions are allowed pursuant to the Court’s order in the *HMD* litigation, Defendants in the *Lenovo* and *Apple* litigations will be allowed to attend and participate in those depositions and the Defendants in the *Lenovo* and *Apple* litigations shall coordinate with Defendant in the *HMD* litigation, HMD Global Oy, regarding any such depositions; (5) any jurisdictional

discovery taken in the *HMD* litigation shall be deemed to be taken in the *Lenovo* and *Apple* litigations as well; and (6) Plaintiff VoiceAge EVS and the Collective Defendants (the “Parties”) shall abide by the following schedule for Jurisdictional Discovery:

- the Parties shall present the Court with a proposed common limited protective order for jurisdictional discovery in all three cases within one business day after this stipulation is so ordered;
- the Collective Defendants shall serve common interrogatories and document requests on Plaintiff within one week of the Court’s entry of such Protective Order;
- Plaintiff shall serve responses to those interrogatories and document requests within 21 days after service of the Collective Defendants’ interrogatories and document requests (or as soon thereafter as practical where a third party’s approval must be obtained before Plaintiff may produce a responsive document or provide information), and shall promptly meet-and-confer with the Collective Defendants to resolve any objections to the Collective Defendants’ discovery requests;
- the Collective Defendants shall commence serving common third party discovery, and shall request the Court’s assistance where such targets are outside the United States or where otherwise appropriate, within four weeks of this Court’s entry of such Protective Order, and shall continue to do so promptly as to any additional entities identified in Plaintiff’s discovery responses, such that all third party discovery will have been requested or served within two weeks of Plaintiffs’ last document production in response to the Collective Defendants’ document requests;
- the Collective Defendants shall endeavor to complete all third-party jurisdictional discovery by July 8, 2021, and shall request an appropriate extension of that deadline solely as to any third-party discovery requests which have not yet been responded to; and

- if any of the Collective Defendants intends to file any motion under Fed. R. Civ. P. 12(b)(6) or 12(b)(1) relating to the jurisdictional discovery it obtains, such motion shall be filed by the later of August 8, 2021 or four weeks after the last response as to any third-party discovery is received.

Dated: March 16, 2021

Respectfully submitted,

FARNAN LLP

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brian E. Farnan

Brian E. Farnan (#4089)
Michael J. Farnan (#5165)
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Attorneys for Plaintiff VoiceAge EVS LLC

/s/ Rodger D. Smith II

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

Attorneys for Defendants Lenovo Holding Company, Inc., Lenovo (United States) Inc., Motorola Mobility Holdings, LLC and Motorola Mobility LLC

POTTER ANDERSON & CORROON LLP

SHAW KELLER LLP

/s/ Bindu A. Palapura

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyryne@potteranderson.com

Attorneys for Defendant Apple Inc.

/s/ Nathan R. Hoeschen

John W. Shaw (#3362)
Nathan R. Hoeschen (#6232)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
nhoeschen@shawkeller.com

Attorneys for Defendant HMD Global Oy

SO ORDERED this ____ day of March 2021.

UNITED STATES DISTRICT JUDGE